

**WELCOME TO THE**  
**LAW AND JUSTICE INTERIM COMMITTEE**  
**2011-2012**



**PRESENTED BY:**  
**Office of Research & Policy Analysis**  
**Sheri S. Scurr, Research Analyst**

Montana Legislative Services Division  
P.O. Box 201706  
Helena, MT 59620-1706  
<http://leg.mt.gov>  
(406) 444-3064 FAX: (406) 444-3036

**MEMBERSHIP**

**Senators**

Shannon Augare (D - Browning)  
Steve Gallus (D - Butte)  
Greg Hinkle (R - Thompson Falls)  
Lynda Moss (D - Billings)  
Terry Murphy (R - Cardwell)  
Jim Shockley (R - Victor)

**Representatives**

Ellie Hill (D - Missoula)  
Steve Lavin (R- Kalispell)  
Margaret MacDonald (D - Billings)  
Mike Menahan (D - Helena)  
Michael More (R - Gallatin Gateway)  
Ken Peterson (R - Billings)

**STAFF**

Sheri Scurr, Research Analyst  
sscurr@mt.gov (406) 444-3596

Valencia Lane, Attorney  
vlane@mt.gov (406) 444-4025

Dawn Field, Secretary  
dfield@mt.gov (406) 444-3064

## ORIENTATION & PLANNING FOR THE 2011-12 INTERIM

**This welcome packet presents the LJIC's:**

- **Statutory duties**
- **Previous work**
- **Assignments this interim**
- **Other potential issues**
- **Work plan decisions**

### STATUTORY DUTIES

#### Jurisdiction

The LJIC's statutory duties are outlined in sections 5-5-202, 5-5-215, and 5-5-226 of the Montana Code Annotated (MCA). (*See Attachment A.*) Under these statutes, the LJIC is empowered to sit as a committee and act within its statutorily assigned areas of responsibility and conduct the studies assigned by the Legislative Council. The LJIC *does not* have statutory authority over issues or agencies that are under the jurisdiction of another interim committee. However, an interim committee may refer an issue to another committee if the committee determines that the other committee is a more appropriate venue for the issue's consideration. The Legislative Council may resolve any disputes.

Under section 5-5-215, MCA, the LJIC's responsibilities are to:

- "(a) review administrative rules within its jurisdiction;
- (b) subject to 5-5-217(3), conduct interim studies as assigned;
- (c) monitor the operation of assigned executive branch agencies with specific attention to the following:
  - (i) identification of issues likely to require future legislative attention;
  - (ii) opportunities to improve existing law through the analysis of problems experienced with the application of the law by an agency; and
  - (iii) experiences of the state's citizens with the operation of an agency that may be amenable to improvement through legislative action;

---

## WELCOME TO THE LAW AND JUSTICE INTERIM COMMITTEE

---

(d) review proposed legislation of assigned agencies or entities as provided in the joint legislative rules; and

(e) accumulate, compile, analyze, and furnish information bearing upon its assignment and relevant to existing or prospective legislation as it determines, on its own initiative, to be pertinent to the adequate completion of its work.

(2) Each interim committee shall prepare bills and resolutions that, in its opinion, the welfare of the state may require for presentation to the next regular session of the legislature."

### Assigned Agencies

The LJIC's statutorily assigned responsibilities are to monitor the activities of the following agencies and their administratively attached entities:

- the Department of Corrections (DOC);
- the Department of Justice (DOJ);
- the Judicial Branch; and
- the Office of State Public Defender (OPD).

The entities administratively attached to these agencies include:

- the Board of Pardons and Parole (attached to DOC);
- the Board of Crime Control (attached to DOJ);
- the Gaming Advisory Council (attached to DOJ);
- the Public Safety Standards and Training (P.O.S.T.) Council (attached to DOJ).

### Required Reports to the LJIC

Certain statutes require agencies to make specific reports to the LJIC.

#### ***Office of Court Administrator***

*Court information technology*

*Disposition of the attorney license tax*

*Juvenile delinquency intervention program (suspended for FY 2012-13)*

#### ***Department of Justice***

*Racial profiling*

***Department of Corrections***

*Medical parole*

***Public defender system***

*Biennial report*

**PREVIOUS WORK**

Study Resolutions in Previous Interims

The LJIC's assigned studies in previous interims have been as follows:

- 2009-10:      SJR 29 - retention of DNA evidence  
                    SJR 39 - DUI laws
- 2007-08:      SJR 6 - juvenile justice  
                    SJR 24 - prison population growth and diversion programs  
                    HJR 26 - mental health in adult and juvenile corrections  
                    HJR 50 - involuntary precommitment process and costs
- 2005-06:      SJR 6 - civil legal services for moderate and low income  
                    SJR 40 - county attorney services and costs  
                    HJR 15 - sentencing equity, disproportionate minority contact (white paper)
- 2003-04:      SJR 31 - juvenile probation and juvenile justice

Other Issues in Previous Interims

Other issues examined during previous interims have included the following:

- 2009-10:      Animal hoarding  
                    Sex offender placements  
                    MERLIN (Enhanced Registration and Licensing Network)  
                    Guardian *ad litem* appointments in child custody cases  
                    Public defender system  
                    Jail suicide prevention  
                    Implementation of HB 130, HB 131, and HB 132 (diversion of mentally ill from criminal justice system) 2009 Session

---

## WELCOME TO THE LAW AND JUSTICE INTERIM COMMITTEE

---

- 2007-08:      Treatment courts  
                 Judicial salaries  
                 Hardin detention facility
- 2005-06:      Juvenile Delinquency and Intervention Program
- 2003-04:      Public defender services

### ASSIGNMENTS THIS INTERIM

#### SJR 29 - Restorative Justice

The Legislative Council has assigned one study to the LJIC this interim:

SJR 29 - study restorative justice. *(See Attachment B.)* The study resolution requests that the assigned committee complete the tasks listed below.

- ☞ analyze restorative justice programs in Montana and determine which programs are most effective at rehabilitating offenders and identify any weaknesses or gaps in Montana's programs;
- ☞ investigate restorative justice options implemented in other states and nations and identify programs that emphasize restitution and the rehabilitation of nonviolent offenders as an alternative to incarceration;
- ☞ gather information from national experts and explore methods of measuring the effectiveness of restorative justice programs in terms of reducing recidivism and return rates of offenders, decreasing the potential for future victimization of Montana citizens, and reducing general fund expenditures related to incarceration; and
- ☞ develop recommendations on which programs in Montana should be retained and how restorative justice programs in Montana may be improved.

HB 142 - Review advisory councils and reports

HB 142 requires each interim committee to review all statutorily established advisory councils and statutorily required reports of the committee's assigned agencies.

Under HB 142, the LJIC must make recommendations to the next legislature on the retention or elimination of any advisory council or required report. *(See Attachment C.)*

SJR 26 - Interim monitoring recommendations of the Joint Subcommittees on Appropriations

SJR 26 (Lewis) requests interim monitoring of certain agencies with respect to the Joint Subcommittees' fiscal concerns. Of interest to the LJIC is that the resolution specifically requests interim monitoring of the following :

- *Judicial Branch*
  - Court Help Program
  - Water Court
- *Department of Justice*
  - vehicle insurance verification
  - Motor Vehicle Division
- *Office of Public Defender*
- *Department of Corrections*
  - average daily population of secure assisted living beds

It is not clear at this time how the Legislative Finance Committee and staff will coordinate these concerns with the policy committees. However, the LJIC should remain aware of the work being done in the areas listed above.

HB 642 - Select Committee on Efficiency in Government

HB 642 creates a select committee to examine priority budgeting for funding state agencies and ascertain the efficiency and effectiveness of state activities in the following areas: (a) health care; (b) technology; and (c) natural resources. It is not clear at this time the extent to which these activities will affect the agencies under the LJIC's jurisdiction. However, the LJIC should remain aware of this work.

## OTHER POTENTIAL ISSUES

Each interim, there may be other issues of concern to LJIC members. These issues may be raised by the news media, committee members, other legislators, agencies, and interested persons. Additionally, the LJIC may wish to follow-up on the implementation of previous recommendations or continue work on unresolved issues. These other issues are sometimes referred to as "emerging", "member", "follow-up", or "implementation" issues. The LJIC's ability to examine other issues depends on available time and resources. *(See section later in this report on Work Plan Decisions.)*

### Potential follow-up issues

Previous interim committees have recommended that a future LJIC continue working on or monitoring the following issues:

- jail suicide prevention (2009-10 interim);
- the LJIC's request for a legislative audit of the Motor Vehicle Division and MERLIN (2009-10 interim);
- mental health treatment and placement for youth sentenced to youth correctional facilities (2007-08 interim); and
- the progress of the juvenile detention alternatives initiative implemented in four participating counties: Cascade, Hill, Missoula, and Yellowstone (2007-08 interim).

### Potential implementation issues

Seven of the LJIC's 14 committee bills to combat DUI were enacted in the 2011 Session.

Rec.	Bill No.	Sponsor	Final Disposition	Short Title
<b>Prevent underage drinking</b>				
1	SB 10	Hinkle	Tabled in H - Judiciary	Strengthen drivers' license sanctions for MIP offenders
2	SB 39	Shockley	Tabled in S - Judiciary	Allow game wardens to issue MIP citations
3	<b>SB 29</b>	<b>Moss</b>	<b>Enacted</b>	<b>Mandatory server and sales training</b>



## WELCOME TO THE LAW AND JUSTICE INTERIM COMMITTEE

4	HB 20	Hendrick	Tabled in S - Local Govt	Authorize county social host liability ordinances
<b>Strengthen treatment and supervision</b>				
5	<b>HB 102</b>	<b>Menahan</b>	<b>Enacted</b>	<b>Revise probationary drivers' license for DUI court</b>
6	<b>HB 69</b>	<b>Menahan</b>	<b>Enacted</b>	<b>Revise jail penalties for DUI court participation</b>
7	HB 67	Menahan	Tabled in H- Judiciary	Strengthen ACT laws for treatment
8	<b>HB 12</b>	<b>Menahan</b>	<b>Enacted</b>	<b>Revise jurisdiction for misdemeanor DUI/BAC</b>
<b>Revise criminal procedures</b>				
9	<b>SB 41</b>	<b>Shockley</b>	<b>Enacted</b>	<b>Allow cities to establish courts of record</b>
10	HB 14	Menahan	Tabled in S - Judiciary	Eliminate 5-yr look back for prior misdemeanor convictions
11	<b>SB 42</b>	<b>Shockley</b>	<b>Enacted</b>	<b>Authorize search warrants to obtain blood or breath tests for DUI/BAC</b>
12	SB 40	Shockley	Tabled in S - Judiciary	Establish statewide on-call judge for search warrants
<b>Enact new crimes/penalties</b>				
13	HB 33	Peterson	Tabled in H -Judiciary	Any amt of dangerous drug is impaired driving <i>per se</i>
14	<b>SB 15</b>	<b>Jent</b>	<b>Enacted</b>	<b>Create misdemeanor crime of aggravated DUI</b>

The committee bill to lengthen the time DNA evidence must be preserved in certain cases, SB 58 (Moss), was tabled in House Judiciary.

Although not committee bills, the following passed and approved bills from the 2011 Session affect agencies under the LJIC's jurisdiction and may be of interest to the LJIC this interim:

- HB 106 (Lavin) - establishing the 24/7 sobriety program in DOJ;
- HB 269 (Lavin) - establishing a "blue alert" program in DOJ;
- SB 72 (Gillan) - revising DOC contracting for community corrections;

- HB 141 (Peterson) - revising the Board of Pardons and Parole (BOPP); and
- SB 76 (Jent) - authorizing the BOPP to grant nonmedical parole to persons sentenced to the custody of DPHHS and confined at state facilities.

**Medical Marijuana Regulation**

SB 423 may be of interest to the LJIC from a law and justice perspective. However, the agency required to implement the bill is the Department of Public Health and Human Services (DPHHS). DPHHS is under the jurisdiction of the Children, Families, Health, and Human Services Interim Committee (CFHHS). Absent a referral from CFHHS or a specific assignment by the Legislative Council, the LJIC does not have jurisdiction over DPHHS's implementation of SB 423. Additionally, SB 423 specifically states that the CFHHS shall monitor implementation. *(See extract from SB 423 at Attachment D.)*

## **WORK PLAN DECISIONS**

### Available Resources

Budget:	\$46,645
Avg. cost per mtg:	\$4,000 to \$5,000
Additional costs:	Travel and per diem for out-of-state experts, video conferencing, site visits
Mtg. days funded:	10 days (assuming no special additional costs)
Est. staff hours:	2,600 hrs (1.25 FTE)
Deadline:	September 15, 2010

### Special Considerations

2-day meetings:	Two-day meetings save a little money in committee member travel costs, but require more staff preparation time.
Meeting locations:	Unless otherwise directed by the committee, all meetings will be held in the Capitol Building. Out-of-town meetings are discouraged because of added costs for staff travel, the lack of audio and video recording capabilities for minutes, and the inability to broadcast or provide on-line public access.
Minimum duties:	Statutorily assigned duties and duties assigned by bills must be accomplished, so must be allocated staff and committee time.
Time between mtgs:	A minimum of 6 to 8 weeks is needed between meetings to prepare the agenda, write requested reports, and coordinate speakers.

---

## WELCOME TO THE LAW AND JUSTICE INTERIM COMMITTEE

---

- Subcommittees: Section 5-5-211(7), MCA, authorizes an interim committee to create subcommittees and provides that nonlegislators may be appointed as members. A working group, task force, or other *ad hoc* group of the committee is still considered a subcommittee and involves the same public notice, minutes, and public participation as a full committee meeting,
- Site visits: In the past, committee members have visited various sites, such as a prison, a drug treatment facility, a treatment court, or a regional detention center. Individual legislators may decide to do visits on their own. However, for the facilities being visited, it is easier to plan for group visits than to try to accommodate individual requests.

### Decision Points

The following decision points are offered to assist the committee in setting priorities so staff may develop a detailed interim work plan.

**Decision #1:** What other issues (i.e., issues outside the scope of SJR 29, HB 142, and agency rule review and drafting approval for agency bills), if any, are of interest to LJIC members? *(The committee should list them, discuss them, and then prioritize or discard them using the decision matrix provided under #4.)*

- a.
- b.
- c.
- d.

**Decision #2:** What facilities or programs (e.g., the private prison in Shelby, the Cascade County Detention Center, a DUI court, etc.), if any, is the committee interested in visiting this interim? *(The committee will need to discuss these and then prioritize or discard them using the decision matrix provided under #4.)*

- a.
- b.
- c.
- d.

---

## WELCOME TO THE LAW AND JUSTICE INTERIM COMMITTEE

---

**Decision #3:** How would the committee prefer to handle administrative rule review? *(By statute, administrative rule review must be listed on the agenda each meeting.)*

- a. Memorandum from legal staff with short briefing at each meeting to alert members of any issues. *(This has been the committee's traditional approach).*
- b. No memorandum from legal staff unless there is a rule review issue the committee should be aware of.
- c. Other, please specify.

**Decision #4:** How would the committee like to allocate available staff time among the committee's study assignments, statutory duties, and other issues of interest? *Please use the guidelines and matrix provided below.*

### Guidelines Concerning FTE Allocation

<u>.55 to .95 FTE</u> Topic is main agenda item at most or all meetings	<u>.25 to .50 FTE</u> Topic is a agenda item at 3 to 4 meetings	<u>.05 to .20 FTE</u> Topic is an agenda item at 1 or 2 meetings
<ul style="list-style-type: none"><li>• In-depth examination</li><li>• Comprehensive legal/research paper</li><li>• Comparisons with other states, or nationally</li><li>• Panel discussions</li><li>• Expert testimony</li><li>• Specific public comment</li></ul> <u>Deliverables:</u> <ul style="list-style-type: none"><li>• Final report</li><li>• Legislation, if requested</li></ul>	<ul style="list-style-type: none"><li>• Moderate examination</li><li>• Research/legal brief(s)</li><li>• Panel discussion</li><li>• General public comment</li></ul> <u>Deliverables:</u> <ul style="list-style-type: none"><li>• Legislation, if requested</li></ul>	<ul style="list-style-type: none"><li>• Low-level examination</li><li>• Briefing or update</li><li>• Limited public comment</li></ul>

---

**WELCOME TO THE LAW AND JUSTICE INTERIM COMMITTEE**

---

In order for staff to develop and interim work plan and meeting agendas that reflect the LJIC's wishes, it is important the the LJIC, as a committee, decide how staff time should be spent. Thus, the LJIC should discuss and take action, using the following decision matrix as a tool, to allocate the 1.25 FTE of staff time available.

**Committee Decision Matrix**

<b>Interim Activity</b>	<b>FTE Allocation</b>	<b>Specific questions or concerns</b>
<b>Assignments</b>		
SJR 29 - Restorative Justice		<i>(outlined in study resolution)</i>
HB 142 - Review advisory councils and agency reports		<i>(outlined in bill - .05 FTE min)</i>
<b>Agency monitoring (keeping in mind statutory duties and SJR 26 and HB 642)</b>		
Dept. of Corrections		<i>(statutory duty - .05 FTE min)</i>
Dept. of Justice		<i>(statutory duty - .05 FTE min)</i>
Judicial Branch		<i>(statutory duty - .05 FTE min)</i>
Public Defender		<i>(statutory duty - .05 FTE min)</i>
<b>Other issues , if any (keeping in mind the LJIC's jurisdiction)</b>		
<b>TOTAL STAFF TIME</b>	<b>1.25 FTE</b>	

## Proposed Tentative Meeting Schedule

*\*Developed based on other interim committees' meeting dates and staff availability*

Meeting Dates	Agenda Themes
<b>2011</b>	
<b>June 21</b> (Tues) <i>date set by</i> <i>Acting Presiding Officer,</i> <i>Sen. Shockley</i>	Organizational meeting, election of officers Review of LJIC's duties Agency overviews Work planning decisions
<b>September 9</b> (Fri)	Receive background information on study topics and issues Identify policy issues/questions for further research Adopt work plan
<b>December 15-16</b> (Thurs - Fri)	Issue analysis Identify options
<b>2012</b>	
<b>February 24-25</b> (Thurs-Fri)	Options analysis
<b>April 20</b> (Fri)	Develop preliminary recommendations
<b>June 21-22</b> (Thurs - Fri)	Refine recommendations Agency legislation review
<b>August 31</b> (Fri)	Finalize recommendations

This proposed meeting schedule assumes 4 one-day and 3 two-day meetings. Nine meeting days are provided for in FY 2012, which allows one more meeting date for an optional site visit.

**Decision #5:** What is the tentative meeting schedule that the committee wishes to adopt for the interim?

### What's next

Staff will prepare a detailed interim work plan based on the committee's planning decisions above, which the LJIC may review, revise, and adopt at its next meeting.

## ATTACHMENT A - MCA Sections

**5-5-202. Interim committees.** (1) During an interim when the legislature is not in session, the committees listed in subsection (2) are the interim committees of the legislature. They are empowered to sit as committees and may act in their respective areas of responsibility. The functions of the legislative council, legislative audit committee, legislative finance committee, environmental quality council, water policy committee, and state-tribal relations committee are provided for in the statutes governing those committees.

(2) The following are the interim committees of the legislature:

- (a) economic affairs committee;
- (b) education and local government committee;
- (c) children, families, health, and human services committee;
- (d) law and justice committee;
- (e) energy and telecommunications committee;
- (f) revenue and transportation committee; and
- (g) state administration and veterans' affairs committee.

(3) An interim committee or the environmental quality council may refer an issue to another committee that the referring committee determines to be more appropriate for the consideration of the issue. Upon the acceptance of the referred issue, the accepting committee shall consider the issue as if the issue were originally within its jurisdiction. If the committee that is referred an issue declines to accept the issue, the original committee retains jurisdiction.

(4) If there is a dispute between committees as to which committee has proper jurisdiction over a subject, the legislative council shall determine the most appropriate committee and assign the subject to that committee.

**5-5-215. Duties of interim committees.** (1) Each interim committee shall:

- (a) review administrative rules within its jurisdiction;
- (b) subject to 5-5-217(3), conduct interim studies as assigned;
- (c) monitor the operation of assigned executive branch agencies with specific attention to the following:
  - (i) identification of issues likely to require future legislative attention;
  - (ii) opportunities to improve existing law through the analysis of problems experienced with the application of the law by an agency; and
  - (iii) experiences of the state's citizens with the operation of an agency that may be amenable to improvement through legislative action;
- (d) review proposed legislation of assigned agencies or entities as provided in the joint legislative rules; and



(e) accumulate, compile, analyze, and furnish information bearing upon its assignment and relevant to existing or prospective legislation as it determines, on its own initiative, to be pertinent to the adequate completion of its work.

(2) Each interim committee shall prepare bills and resolutions that, in its opinion, the welfare of the state may require for presentation to the next regular session of the legislature.

(3) The legislative services division shall keep accurate records of the activities and proceedings of each interim committee.

**5-5-226. Law and justice interim committee.** The law and justice interim committee has administrative rule review, draft legislation review, program evaluation, and monitoring functions for the department of corrections and the department of justice and the entities attached to the departments for administrative purposes. The committee shall act as a liaison with the judiciary.

*\*\* (Under SB 32, the Office of State Public Defender, which is attached to the Department of Administration for administrative purposes only, was inserted into this statute, giving the LJIC official oversight authority over the office.)*

## ATTACHMENT B - SJR 29



A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN INTERIM STUDY ON RESTORATIVE JUSTICE FOR OFFENDERS; AND REQUIRING THAT THE FINAL RESULTS OF THE STUDY BE REPORTED TO THE 63RD LEGISLATURE.

WHEREAS, restorative justice is a criminal justice model that focuses on repairing the harm to all parties affected by a crime and holding offenders accountable, rather than on retribution against and punishment of the offender; and

WHEREAS, restorative justice views crime as wrongdoing against individuals and communities, rather than as a wrongdoing against the state; and

WHEREAS, restorative justice programs, such as victim-offender dialogue, mediation, and victim impact panels, encourage offender responsibility and reduced revictimization; and

WHEREAS, the state Department of Corrections has embraced restorative justice principles in programs and services for offenders and victims, including facilitated victim-offender dialogue, victim impact panels at department facilities, offender accountability letters, and centralized restitution collection; and

WHEREAS, other programs in other states and nations have shown lower recidivism rates and cost savings to state law enforcement; and

WHEREAS, the 2007 Montana Legislature passed House Bill No. 629, which enacted section 46-1-502, MCA, allowing courts to refer many types of criminal cases for mediation, potentially diverting cases from the Department of Corrections while allowing all parties to reach settlement agreements for victim restitution, community reparation, and offender treatment and programming.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Legislative Council be requested to designate an appropriate interim committee, pursuant to section 5-5-217, MCA, or direct sufficient staff resources to:

(1) analyze restorative justice programs in Montana and determine which programs are most effective at rehabilitating offenders and identify any weaknesses

or gaps in Montana's programs;

(2) investigate restorative justice options implemented in other states and nations and identify programs that emphasize restitution and the rehabilitation of nonviolent offenders as an alternative to incarceration;

(3) gather information from national experts and explore methods of measuring the effectiveness of restorative justice programs in terms of reducing recidivism and return rates of offenders, decreasing the potential for future victimization of Montana citizens, and reducing general fund expenditures related to incarceration;

(4) develop recommendations on which programs in Montana should be retained and how restorative justice programs in Montana may be improved.

BE IT FURTHER RESOLVED, that this interim study provide ample opportunity for stakeholders in the criminal justice system, including the state Department of Corrections, the Department of Justice, the Office of the Public Defender, crime victims, victim advocates, victim service providers, and citizens at large, to participate.

BE IT FURTHER RESOLVED, that if the study is assigned to staff, any findings or conclusions be presented to and reviewed by an appropriate committee designated by the Legislative Council.

BE IT FURTHER RESOLVED, that all aspects of the study, including presentation and review requirements, be concluded prior to September 15, 2012.

BE IT FURTHER RESOLVED, that the final results of the study, including any findings, conclusions, comments, or recommendations of the appropriate committee, be reported to the 63rd Legislature.

- END -

## ATTACHMENT C - HB 142



A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REVISING LAWS RELATING TO LEGISLATIVE INTERIM COMMITTEES AND REPORTS TO THE LEGISLATURE; REQUIRING INTERIM COMMITTEES TO REVIEW STATUTORILY ESTABLISHED ADVISORY COUNCILS AND REQUIRED REPORTS OF THEIR ASSIGNED AGENCIES TO MAKE RECOMMENDATIONS REGARDING RETENTION OR ELIMINATION; REVISING REQUIREMENTS RELATING TO REPORTS TO THE LEGISLATURE; AND AMENDING SECTIONS 5-5-215 AND 5-11-210, MCA.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**Section 2.** Section 5-5-215, MCA, is amended to read:

**"5-5-215. Duties of interim committees.** (1) Each interim committee shall:

- (a) review administrative rules within its jurisdiction;
  - (b) subject to 5-5-217(3), conduct interim studies as assigned;
  - (c) monitor the operation of assigned executive branch agencies with specific attention to the following:
    - (i) identification of issues likely to require future legislative attention;
    - (ii) opportunities to improve existing law through the analysis of problems experienced with the application of the law by an agency; and
    - (iii) experiences of the state's citizens with the operation of an agency that may be amenable to improvement through legislative action;
  - (d) review statutorily established advisory councils and required reports of assigned agencies to make recommendations to the next legislature on retention or elimination of any advisory council or required reports pursuant to 5-11-210;
  - ~~(d)~~(e) review proposed legislation of assigned agencies or entities as provided in the joint legislative rules; and
  - ~~(e)~~(f) accumulate, compile, analyze, and furnish information bearing upon its assignment and relevant to existing or prospective legislation as it determines, on its own initiative, to be pertinent to the adequate completion of its work.
- (2) Each interim committee shall prepare bills and resolutions that, in its

opinion, the welfare of the state may require for presentation to the next regular session of the legislature.

(3) The legislative services division shall keep accurate records of the activities and proceedings of each interim committee."

**Section 3.** Section 5-11-210, MCA, is amended to read:

**"5-11-210. Clearinghouse for reports to legislature.** (1) For the purposes of this section, "report" means a written report required by law to be given to or filed with the legislature.

(2) On or before September 1 of each year preceding the convening of a regular session of the legislature, an entity required to report to the legislature shall provide, in writing, to the appropriate interim or statutory committee:

(a) the final title of the report;

(b) an abstract or description of the contents of the report, not to exceed 100 words;

(c) if the report is available electronically, its location on the internet; and

~~(c)(d)~~ a recommendation on how many paper copies of the report, if any, should be provided to the legislature;

~~—— (d) the reasons why the number of copies recommended is, in the opinion of the reporting entity, the appropriate number of copies; and~~

~~—— (e) an estimated cost for each copy of the report.~~

(3) After considering all of the information available about the report, including the number of legislators requesting copies of the report pursuant to subsection (7), the appropriate interim or statutory committee shall, in writing, direct the reporting entity to provide a specific number of paper copies. The number of copies required is at the sole discretion of the appropriate interim or statutory committee. The appropriate interim or statutory committee may require the reporting entity to mail the copies of the report.

(4) The appropriate interim or statutory committee may require that the report be submitted in an electronic format that is usable on the legislature's current computer hardware; or ~~in a microform, such as microfilm or microfiche, or in a CD-ROM format, meaning compact disc read-only memory~~ digital form.

(5) Costs of preparing and distributing a report to the legislature, including writing, printing, postage, distribution, and all other costs, accrue to the reporting agency. Costs incurred in meeting the requirements of this section may not accrue to the legislative services division.

(6) The executive director of the legislative services division shall cause to be prepared a list of all reports required to be presented to the legislature from the list of titles received under subsection (2).

(7) The executive director shall, as soon as possible following a general election, ~~mail~~ provide to each holdover senator, senator-elect, and

representative-elect a list of the titles of the reports, along with the abstracts prepared pursuant to subsection (2)(b), and the location of electronic copies. ~~The list must include a form on which each member or member-elect receiving the list may indicate the report or reports that the member or member-elect would like to receive.~~

(8) The executive director of the legislative services division shall ~~make~~ provide copies of reports requested pursuant to subsection (7) ~~available~~ to those members or members-elect by either requiring that copies be mailed pursuant to subsection (3) or by delivering copies of the reports during the first week of the legislative session.

(9) The executive director of the legislative services division may keep as many copies of a report as are necessary and discard the rest or return them to the agency.

(10) The procedure outlined in this section may also be used for a report required to be made to the legislature under the Multistate Tax Compact contained in 15-1-601, the Vehicle Equipment Safety Compact contained in 61-2-201, the Multistate Highway Transportation Agreement contained in 61-10-1101, or the Western Interstate Nuclear Compact contained in 90-5-201.

(11) Each report to the legislature required under 17-6-230, 19-2-405, 19-2-407, and 19-20-201 must be provided to the legislative services division as soon as the report is published. The legislative services division shall ensure that legislators are notified pursuant to this section of the report's availability. During the interim, the legislative services division shall ensure that members of the state administration and veterans' affairs interim committee and the legislative finance committee receive copies of the reports."

-END-

## ATTACHMENT D - SB 423 EXTRACT

**Section 22. Legislative monitoring.** (1) The children, families, health, and human services interim committee shall provide oversight of the department's activities related to registering individuals pursuant to [sections 1 through 23] and of issues related to the cultivation, manufacture, and use of marijuana pursuant to [sections 1 through 23].

(2) The committee shall identify issues likely to require future legislative attention and develop legislation to present to the next regular session of the legislature.

Cl0429 1154shna.